

BEFORE THE FISH, WILDLIFE AND PARKS COMMISSION  
OF THE STATE OF MONTANA

In the matter of the adoption of NEW ) NOTICE OF PUBLIC HEARING ON  
RULE I pertaining to a no wake zone ) PROPOSED ADOPTION  
on Swan Lake )

To: All Concerned Persons

1. On March 6, 2008, at 6:00 p.m. the Fish, Wildlife and Parks Commission (commission) will hold a public hearing at the Fish, Wildlife and Parks Region 1 offices located at 490 North Meridian Road, Kalispell, Montana to consider the adoption of the above-stated rule.

2. The commission will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the commission no later than 5:00 p.m. on February 22, 2008, to advise us of the nature of the accommodation that you need. Please contact Martha Abbrescia, Fish, Wildlife and Parks, Region 1, 490 North Meridian Road, Kalispell, MT 59901; telephone (406) 751-4567; fax (406) 257-0349; e-mail mabbrescia@mt.gov.

3. The rule as proposed to be adopted provides as follows:

NEW RULE I SWAN LAKE (1) Swan Lake is located in Flathead County.

(2) Swan Lake is limited to a controlled no wake speed, as defined in ARM 12.11.101(1), including the following areas:

(a) the northern outlet of Swan Lake approximately 3/4 of a mile south to the southern tip of the southern most island or as buoyed.

AUTH: 23-1-106, 87-1-303, MCA

IMP: 23-1-106, 87-1-303, MCA

4. The Fish, Wildlife and Parks Commission (commission) received a petition from the users and landowners of Swan Lake area, Swan Lakers (a nonprofit group), Swan Sites Home Owners' Association, and Montana Trout Unlimited using the procedure outlined in ARM 12.11.117. The petition was originally submitted in 2006 and the commission did not pursue rulemaking but increased enforcement of the existing no wake zone established by ARM 12.11.115. The petitioners resubmitted the petition in 2007 requesting the no wake zone be extended from the existing 200 feet to one mile from the shoreline at the north end of Swan Lake. Staff of Montana Fish, Wildlife and Parks concurred that the situation warranted extending the no wake zone. The proposal will increase safety due to the high density of recreational use, and the anticipated increase of use due to future development, in the narrow north channel of the lake. The department recommended, and the commission approved initiating rulemaking to extend the no

wake zone to the tip of southern most island approximately three quarters of a mile south of the outlet of Swan Lake.

5. Concerned persons may present their data, views, or arguments, either orally or in writing, at the hearing. Written data, views, or arguments may also be submitted to Martha Abbrescia, Fish, Wildlife and Parks, Region 1, 490 North Meridian Road, Kalispell, MT 59901; telephone (406) 751-4567; fax (406) 257-0349; e-mail mabbrescia@mt.gov and must be received no later than March 14, 2008.

6. Rebecca Jakes Dockter, or another hearing officer appointed by the department, has been designated to preside over and conduct the hearing.

7. The Department of Fish, Wildlife and Parks maintains a list of interested persons who wish to receive notice of rulemaking actions proposed by the commission or department. Persons who wish to have their name added to the list shall make written request which includes the name and mailing address of the person to receive the notice and specifies the subject or subjects about which the person wishes to receive notice. Such written request may be mailed or delivered to Fish, Wildlife and Parks, Legal Unit, P.O. Box 200701, 1420 East Sixth Avenue, Helena, MT 59620-0701, faxed to the office at (406) 444-7456, or may be made by completing the request form at any rules hearing held by the commission or department.

8. The bill sponsor notice requirements of 2-4-302, MCA, do not apply.

/s/ Steve Doherty

Steve Doherty, Chair

Fish, Wildlife and Parks Commission

/s/ Rebecca J. Dockter

Rebecca J. Dockter

Rule Reviewer

Certified to the Secretary of State January 22, 2008